

# **Exhibit RRR**

**NOTICE ABOUT YOUR RIGHT  
TO JOIN A LAWSUIT SEEKING TO RECOVER  
UNPAID OVERTIME WAGES FROM DUANE READE**

TO: ALL CURRENT OR FORMER DUANE READE ASSISTANT MANAGERS WHO WORK OR HAVE WORKED DAYTIME AND/OR EVENING SHIFTS AT ANY TIME BETWEEN OCTOBER 2, 2004 AND OCTOBER 1, 2007

RE: YOUR RIGHT TO JOIN A LAWSUIT SEEKING TO RECOVER UNPAID OVERTIME COMPENSATION

DATE: NOVEMBER 9, 2007

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, HON. GERARD E. LYNCH, DISTRICT JUDGE, THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR OF THE DEFENDANTS' DEFENSES.

**1. WHY YOU ARE GETTING THIS NOTICE**

This Notice is to tell you that there is a lawsuit you may be able to join because you might be "similarly situated" to the named Plaintiff. This Notice will also tell you how your overtime rights under the Fair Labor Standards Act may be affected by this lawsuit. This Notice will also tell you how to join the lawsuit if you think you are entitled to back overtime payments and want to participate.

You may have received a Notice similar to this one dated January 30, 2007 in a case called *Damassia v. Duane Reade Inc.*, 04 Civ. 8819, if you worked as an overnight assistant store manager between October 6, 2003 and October 6, 2006. You have also received this Notice because, according to Duane Reade's records, you were also employed by Duane Reade as a daytime and/or evening assistant store manager between October 2, 2004 and October 1, 2007. The Consent Form you may have completed and returned in the *Damassia* case, the overnight assistant manager case, does not protect your rights in this case, the daytime and/or evening assistant manager case. If you want to participate in this case, you must complete and return the Consent Form enclosed with this notice, even if you have previously sent in a Consent Form in the *Damassia* case.

**2. DESCRIPTION OF THE LAWSUIT**

A lawsuit has been brought by Plaintiff Enamul Chowdhury against Duane Reade in the United States District Court for the Southern District of New York in Manhattan (the case number is 06 Civ 2295 (GEL)). Mr. Chowdhury worked for Duane Reade as an assistant manager. In this lawsuit, Mr. Chowdhury claims that Duane Reade misclassified him and other daytime and evening assistant store managers as "exempt" employees and did not pay them overtime.

Plaintiff's lawyers in this case are:

Seth R. Lesser, Esq.  
Fran L. Rudich, Esq.  
Locks Law Firm, PLLC  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, New York 10021  
Telephone: (212) 838-3333  
Toll Free: 1-888-855-3692  
Fax: (212) 838-3735  
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Adam T. Klein (AK 3293)  
Justin M. Swartz (JS 7989)  
Linda A. Neilan (LN 4095)  
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Outten & Golden, LLP  
3 Park Avenue, 29<sup>th</sup> Floor (corner of 34<sup>th</sup> Street)  
New York, New York 10016  
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Federal overtime laws require that, when an employee (who is non-exempt from the overtime laws) works more than 40 hours per week, their employers must pay them one and one-half times his or her regular hourly pay rate for every hour over 40 in a week, unless that employee is properly classified as "exempt" from the overtime provisions of the Act.

The former assistant store manager who is the Plaintiff claims that during his employment with Duane Reade, he almost always worked more than 40 hours per week, but was not paid overtime at the rate of one and one-half times the hourly rate for the hours he worked in excess of 40. Plaintiff is suing Duane Reade under federal law for overtime pay. He is also asking for "liquidated damages" under the federal law (double the amount of allegedly unpaid wages) and attorneys fees.

Duane Reade has denied these charges. Specifically, Duane Reade claims that Plaintiff was an executive or administrative employee and was performing work that by its nature qualifies him as exempt from the overtime requirements of the law.

**3. WHO CAN JOIN THE LAWSUIT**

Mr. Chowdhury is suing on his own behalf, but also on behalf of other employees that are similar to him. Current and former assistant managers who worked the daytime and/or evening shifts at Duane Reade from October 2, 2004 to October 1, 2007 are eligible to join the lawsuit.

This Notice is to locate persons who wish to join this case and are eligible to join this case and has no other purpose. Your right to participate in this suit will depend upon a later decision by the federal Court that you and the representative Plaintiff are "similarly situated."

#### 4. YOUR RIGHT TO JOIN THE LAWSUIT

If you fit the definition above, that is, if you are a current or former assistant manager who worked the daytime and/or evening shift(s) at Duane Reade at any time between October 2, 2004 and October 1, 2007, you may have the right to participate in this lawsuit.

#### 5. HOW TO JOIN THIS LAWSUIT

Enclosed is a postcard "Consent Form." If you want to join this lawsuit, it is extremely important that you read, sign, and return the Consent Form. The Consent Form is pre-addressed and postage paid for your convenience. Should the enclosed Consent form be lost or misplaced, please contact Plaintiff's lawyers. If you have any questions about filling out or sending in the Consent Form, you may contact the Plaintiff's lawyers:

Seth R. Lesser, Esq.  
Fran L. Rudich, Esq.  
Locks Law Firm, PLLC  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
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#### 6. NO RETALIATION IS ALLOWED

It is a violation of Federal law for Duane Reade or any of its related entities to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been retaliated against in any way as a result of your receiving this notification, considering whether to join this lawsuit or actually joining this lawsuit, you may contact a lawyer.

#### 7. EFFECT OF JOINING THIS LAWSUIT

If you join this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. You will be a party to this case, and may be required to participate in the discovery process, which may include producing relevant documents in your possession and testifying as a witness. You will also be bound by, and will share in, any settlement or verdict that may be reached on behalf of the class. In other words, if you join this lawsuit, it will determine your rights.

#### 8. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you chose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class. You will be free to file your own lawsuit. However, the pendency of this suit will not stop the running of the statute of limitations as to any claims you might have until you opt-in to it. You may lose some or all of any claim you may have for overtime if you do not act, either by joining this lawsuit or commencing your own lawsuit.

#### 9. FURTHER INFORMATION

Further information about this Notification or the lawsuit may be obtained from Plaintiff's lawyers at:

Seth R. Lesser, Esq.  
Fran L. Rudich, Esq.  
Locks Law Firm, PLLC  
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